



3-8-05

Docket: 16014.900100

DAC! Ifw

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

application of:

Douglas PEERY

Serial No: 10/663,392

Filed: September 16, 2003

For: DRYWALL CONSTRUCTION DEVICE

Art Unit: 3637

Examiner: Not Assigned

I hereby certify that this correspondence  
is being deposited with the United States  
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March 4, 2005

Date of Deposit

Heather B. Centurioni

Name

*H.B.C.* 03/03/05  
Signature Date

**PETITION TO WITHDRAW HOLDING OF  
ABANDONMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Dear Sir:

We petition the Office to withdraw the Notice of Abandonment dated November 8, 2004. In response we have attached our Response to Notice to Filing Missing Parts dated January 20, 2004. In addition, we have included a copy of the return postcard which is clearly stamped by the OIPE on January 23, 2004. Because the attached documents clearly indicate that a timely response was made, we respectfully request that the abandonment to be withdrawn and that the instant case be advanced to examination..

In initially replying to the Notice of Abandonment of November 8, 2004 we mistakenly submitted a petition based on alternate grounds for abandonment. We also request that the Petition to Revive an Unintentionally Abandoned Application filed December 20, 2004 be removed from the file as it was not properly responsive and its presence in the file will prove confusing. If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-2899, referencing docket number 16014.900100.

Respectfully submitted,

LINER YANKELEVITZ  
SUNSHINE & REGENSTREIF LLP

By:

*Stefan J. Kirchanski*

Stefan J. Kirchanski  
Registration No. 36,568  
Attorney for Applicant(s)

Date: March 3, 2005

1100 Glendon Avenue, 14th Floor  
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Fax: (310) 500-3501



S.N. 101663, 392 File No. 358072, 00100 Mailed 1/20/04 By: SJK/hdb

Title: CONSTRUCTION RELATED INVENTION

Client Name: PEERY

The following, due 2/9/04 in the U.S. Patent & Trademark Office, was received in the Patent & Trademark Office on the date stamped hereon:

**FEE TO BE PAID BY DEPOSIT ACCOUNT:**  Filing  Extension  Surcharge  Recordation  
 Issue  Petition  IDS  Appeal  Other

Patent Appln:  Prov'l  Utility  Div.  Cont.  CIP  Design  Preliminary Amendment  
Parent/Prior Appln. No. if applicable: \_\_\_\_\_

Declaration/Power of Attorney  UNSIGNED  Copy, from parent  
 Assignment and Recordation Cover Sheet  Copy JAN 23 2004

Check No. \_\_\_\_\_ for \$ \_\_\_\_\_  
 Check No. \_\_\_\_\_ for \$ \_\_\_\_\_

Assertion of Small Business Entity Status Under 37 CFR 1.27  
 Request for Nonpublication and Certification Under 35 U.S.C. 122(e)(2)(B)  
 RCE/ CPA  
 Certificate of Express Mail, Label No. \_\_\_\_\_  
 Amendment/Response  Restriction Req.  After Final  After Allowance  
 Request for Extension of Time, \_\_\_\_\_ month(s)  
 Revocation and Power of Attorney  Statement Under 37 CFR 3.73(b)  
 Change of Correspondence Address  Associate Power of Attorney  Associate With Customer Number  
 Petition for \_\_\_\_\_

Country Doc. No.  
 IDS: \_\_\_\_\_ Reference(s)  
 Enclosed  Listed only  
 Certified Copy, \_\_\_\_\_ Docs  
 Response to Missing Parts  Copy of Notice  
 Notice of Appeal  Brief  
 Issue Fee Transmittal  
 Advance soft copy order

*OIE PATENT & TRADEMARK OFFICE MAR 05 2005*



PATENT  
358072.00100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Douglas PEERY

Serial No: 10/663,392

Filed: September 16, 2003

For: DRYWALL CONSTRUCTION DEVICE

Art Unit: Not Assigned

Examiner: (Not Assigned)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450, on

January 20, 2004

Date of Deposit:

Heather B. Del Bosco

Name

01/20/04

Signature

Date

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

Mail Stop MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Dear Sir:

In response to the "Notice to File Missing Parts of Application, Filing Date Granted," dated December 9, 2003, response to which is due February 9, 2004, enclosed are the following:

- A copy of the "Notice to File Missing Parts of Application Filing Date Granted."
- A "Declaration and Power of Attorney" executed by the inventor(s).
- An executed "Power of Attorney by Assignee."
- Surcharge for late filing of Declaration.  
Fee: \$ 65  Check enclosed
- A "Petition for Extension of Time" for month(s).  
Fee: \$ \_\_\_\_\_  Check enclosed
- Filing Fee: \$ \_\_\_\_\_  Check enclosed
- An executed Assignment with Recordation Cover Sheet.  
Recordation Fee: \$ 40  Check enclosed
- Return postcard.

The Commissioner is authorized to charge any underpayment to Deposit Account No. 50-2567, referencing docket number 358072. A copy of this letter is enclosed.

Respectfully submitted,

REED SMITH

By: Stefan J. Kirchanski

Stefan J. Kirchanski

Registration No. 36,568

Attorney for Applicant(s)

Date: January 20, 2004

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